

Local Activist Thomas Blanton Drops Constitutional Hand Grenade on Groundworx and City in Motion to Intervene



Local activist Thomas Blanton has taken on Mississippi Power's Kemper Plant and is now attacking the crony capitalist Groundworx project's contract with the city as being unconstitutional.

If you don't know who Tommy Blanton is, you should. Blanton has been a key figure in South Mississippi fighting many bad deals for Mississippi taxpayers, and he isn't scared to take on the big boys. Anyone who has been in his sights before knows that this is a person to be taken seriously. Blanton played a lead role in successfully stopping a nuclear dump from being located in Richton, Mississippi back in the late 70's and early 80's.

Blanton currently has an appeal to the Mississippi Supreme

Court that challenges the constitutionality of the 2008 Baseload Act. The Baseload Act made it “legal” for south Mississippi ratepayer’s to have their rates increased in order to help finance the Mississippi Power Kemper County lignite fired plant and mine. The project is more than 3 billion dollars over budget.

Blanton also ran a self funded campaign for the Mississippi Public Service Commission Southern District in an attempt to stop Mississippi Power’s Kemper County plant construction and protect ratepayers from what he called “a corporate socialism and experimental lignite science project.”

In a simplification of Blanton’s legal argument against the 2008 Baseload Act, is the position that money is property (as defined by the U.S. Supreme Court), and government can’t take or authorize taking your money in order to help fiance a private company’s project, delivering ratepayers higher rates with no product or service being delivered. Mississippi rate payers will have no ownership stake, no bond holder position, or no rights to any patents should the experimental plant work. If the Baseload Act is declared unconstitutional, Mississippi Power would likely have to return the 18% rate increases to ratepayers.

Now, Blanton has his sights on the contract signed between the City of Hattiesburg and Groundworx.



Local
Hattiesburg
Attorney Michael

Adelman

Represented by local Hattiesburg attorney Michael Adelman, on July 28th, Blanton filed a Motion to Intervene in Chancery Court in the Groundworx lawsuit against the City. The argument is similar in nature as the Baseload argument against Mississippi Power, but also relies on the Mississippi Constitution as the second legal foundation for the motion.

Article VII Section 183 of the Mississippi Constitution reads as follows: SECTION 183. No county, city, town, or other municipal corporation shall hereafter become a subscriber to the capital stock of any railroad or other corporation or association, or make appropriation, or loan its credit in aid of such corporation or association. All authority heretofore conferred for any of the purposes aforesaid by the legislature or by the charter of any corporation, is hereby repealed.



One wastewater engineer called Hattiesburg political leaders “Dumb and Dumber.” Click on this picture to read the article.

This motion creates interesting problems and questions for both the City’s administration and Groundworx. The City’s

attorneys will undoubtedly address this matter with the administration if they haven't already. A local attorney told the Hattiesburg Patriot that any sound defense against litigation involves a layered defense, and the City's attorneys will have to advise the City on this matter. The question becomes will the City agree with Blanton and adopt his argument as a one of their defensive layers?

If the City adopts this as part of their defense strategy the City will have admitted to having authorized and signed an unconstitutional contract. It could very well open the City's private attorneys up to malpractice or errors and omissions claims by the City. If the city ignores Blanton's argument, and Blanton is successful, then the mayor, city attorney, city council members, and their legal representatives will look quite foolish. Groundworx would also lose all claims for monetary damages; since the contract would become null and void.

The Court cannot find in the contract at this time any obligation on the part of the City to maintain a revenue stream, as that does not appear to be written into the contract. The Court agrees that the City's obligation is to pay the plaintiff upon invoice billing by the plaintiff under the contract within the time specified.

A judge ruled that the city had no obligation to raise our sewer rates to help Groundworx finance their discharge system. [Click to enlarge](#)

If Groundworx intends to continue it's claim with the city, which at this point is very weak, they will have to address this motion in Chancery Court on October 6th. The contract has already been ruled in court as having been breached by Groundworx, and the City had grounds to terminate the

contract. The City Council authorized the Mayor terminate Groundworx's contract for breach on August 5th, 2014. Groundworx will undoubtedly argue that Blanton doesn't have standing in the matter and attempt to have his Motion to Intervene dismissed.

When contacted for a comment Blanton said:

"Napoleon said, 'In politics, stupidity is not a liability.'"

The entire Motion to Intervene is below:

<http://www.mississippimedianetwork.com/wp-content/blogs.dir/94/files/2014/08/blanton-motion.pdf>

For related news on Thomas Blanton:

[**Motion filed to delay dismissal of Kemper lawsuits**](#)

[**MOTION TO STAY JOINT MOTION TO DISMISS WITH PREJUDICED FILED IN CAUSE NO.: 2013-CA-00043**](#)